

Message Text

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PAGE 01 HAMILT 00577 232220Z

ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00
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FM AMCONSUL HAMILTON

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UNCLAS LIMITED OFFICIAL USE HAMILTON 577

E.O. 11652: N/A

TAGS: PINT, MARR,BDA

SUBJECT: CURTAILMENT OF AIR CONTROL SERVICES AT CIVIL AIRPORT.

REF: US/UK BASES AGREEMENT, FEBRUARY 24, 1948, "USE BY CIVIL
AIRCRAFT OF CERTAIN MILITARY AIR BASES IN THE CARIBBEAN AND BERMUDA".

1. SUMMARY: BERMUDA GOVERNMENT HAS EXPRESSED OFFICIAL CONCERN
REGARDING CURRENT DISCUSSIONS BETWEEN NAS BERMUDA CIVAIR DIRECTOR AND
NEW YORK FAA OFFICERS WHICH ENVISION POSSIBLE REDUCTION IN OPERATING
HOURS FOR COMMERCIAL INTERNATIONAL TRAFFIC AT BERMUDA'S CIVIL AIRPORT
FACILITY. THRUST OF PROBLEM IS FAILURE OF NAVY PERSONNEL SYSTEM TO
ASSIGN SUFFICIENTLY QUALIFIED PERSONNEL TO MAN AIR CONTROL OPERATION
AT NAS.

2. IN ACCORDANCE WITH ARTICLE 1 (1) OF REFERENCE AGREEMENT NAS
(THEN DESIGNATED AS KINDLEY FIELD) WILL BE OPEN FOR REGULAR USE BY
CIVIL AIRCRAFT ETC. ARTICLE 6 (2) OF SAME AGREEMENT QUOTE AUTHORITIES
EXERCISING ADMINISTRATION AND OPERATIONAL CONTROL AT ANY BASE SHOULD
NOT IMPOSE ANY LIMITATIONS ON USE OF THE BASE BY CIVIL AIRCRAFT IN
ACCORDANCE WITH THE PROVISIONS OF THE PRESENT AGREEMENT EXCEPT SO FAR
AS MAY BE NECESSARY FOR REASONS OF SAFETY OR IN THE LIGHT OF THE
CAPACITY OF, AND THE FACILITIES AVAILABLE AT THE BASE. END QUOTE.

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3. ARTICLE 1 (5) PROVIDES IN PART THAT QUOTE IF EITHER OF THE TWO
GOVERNMENTS CONSIDERS THAT EXPERIENCE OR DEVELOPMENTS INDICATE NEED
FOR CLOSING ANY OF THE BASES FOR REGULAR USE BY CIVIL AIRCRAFT, SUCH
OPENING OR CLOSING SHALL FORM THE SUBJECT OF DISCUSSIONS BETWEEN THE
TWO
GOVERNMENTS AND SHALL NOT TAKE PLACE EXCEPT BY AGREEMENT BETWEEN
THE TWO GOVERNMENTS. END QUOTE.

4. I HAVE HELD DETAILED DISCUSSIONS WITH NAS BASE COMMANDER AND OPERATIONS OFFICERS REGARDING REASONS FOR THREATENED REDUCTION IN TOWER CONTROL OPERATING HOURS COMMENCING O/A 1 FEBRUARY 1978:
"TOWER

CONTROL FACILITIES HAVE FUNCTIONED ON 24 HOUR A DAY BASIS SINCE AGREEMENT ENTERED INTO FORCE. PROJECTED REDUCED STAFFING OF QUALIFIED PERSONNEL WILL REQUIRE THAT AIR CONTROL SERVICES BE DISCONTINUED INDEFINITELY BETWEEN 2200 AND 0600 DAILY. ALTHOUGH BASE COMMANDER HAS

REQUESTED REQUIRED PERSONNEL NAVY BUREAU OF PERSONNEL APPEARS TO BE RESPONDING NEGATIVELY. REDUCTION IN HOURS TO PROPOSED LEVEL WILL CAUSE PRACTICAL PROBLEMS TO GOVERNMENT AS BRITISH AIRWAYS FLIGHTS HAVE LONG-STANDING SCHEDULE OF ARRIVALS AND DEPARTURES AFTER 2200 HOURS.

5. IN REVIEWING TERMS OF AGREEMENT, PARTICULARLY THOSE SET OUT ABOVE, IT IS MY OPINION THAT UNILATERAL ACTION OF THE TYPE CONTINGENT WOULD BE IN DIRECT CONTRAVENTION OF ITS PROVISIONS. THE ONLY POSSIBLE BASIS FOR CURTAILMENT WOULD BE LANGUAGE EMBODIED IN ARTICLE 6 (2) RELATED TO "REASONS OF SAFETY". HOWEVER, IT IS MY OPINION THAT AN ESCAPE CLAUSE BASED ON A SAFETY FACTOR CANNOT BE INTERPRETED TO MEAN A SAFETY CONDITION RESULTING FROM FAILURE TO ASSIGN APPROPRIATE PERSONNEL.

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6. ACTION REQUESTED: I SUGGEST BUREAU AND POLAD MIGHT GET LEGAL OPINION FROM L AND, IF MY INTERPRETATION HOLDS UP, REQUEST THAT DEPARTMENT COMMUNICATE WITH APPROPRIATE DEPARTMENT OF NAVY OFFICE TO TAKE NECESSARY ACTION TO PROVIDE NECESSARY PERSONNEL ON PRIORITY MANNING BASIS. ACTION ON NAS REQUEST FOR PERSONNEL RESTS WITH COMNAVAIRLANT NORFOLK, VIRGINIA. SUMMARY OF MY DISCUSSIONS WITH NAS COMMANDER AND PERSONNEL REQUIREMENTS WERE TRANSMITTED TO COMNAVAIRLANT
16 DECEMBER BY CABLE (DATE AND TIME GROUP 162050Z DEC 77).

7. COMMENT: THREATENED REDUCTION OF REGULAR USE OF CIVILIAN FACILITIES COMES AT PARTICULARLY CRITICAL TIME FOR BERMUDA'S TOURIST TRADE. PROPOSED HOURS WOULD JEOPARDIZE SCHEDULING OF SEVEN BAA FLIGHTS PER WEEK. IN VIEW OF EXTREMELY TENUOUS BASIS FOR PROPOSED ACTION ECONOMIC CONSEQUENCES TO ISLAND'S ALREADY DISRUPTED TOURIST BUSINESS, I URGE THAT APPROPRIATE NAVY OFFICES TAKE CLOSE LOOK AT TERMS OF THE AGREEMENT AND PROVIDE PRIORITY MANNING OF CONTROL SERVICES HERE. IN ANY EVENT, TERMS OF ARTICLE 1 (5) REQUIRING DISCUSSIONS BETWEEN US/UK SHOULD ANY CHANGE IN REGULAR USE BE CONTEMPLATED SHOULD BE HONORED.

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Message Attributes

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Decaption Note:
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Disposition Approved on Date:
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Disposition Comment:
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TAGS: PINT, MARR, EAIR
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